

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 22-11127
Roy Turner	:	Chapter 13
	:	Judge Magdeline D. Coleman
Debtor(s)	:	* * * * *
	:	
JPMorgan Chase Bank, National Association	:	Date and Time of Hearing : October 11, 2022 at 10:30 a.m.
	:	
vs	:	
	:	
Roy Turner	:	
	:	
Kenneth E. West	:	
Respondents.	:	

**MOTION OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION FOR RELIEF
FROM THE AUTOMATIC STAY ON FIRST MORTGAGE FOR REAL PROPERTY
LOCATED AT 7601 CRITTENDEN ST H-2, PHILADELPHIA, PENNSYLVANIA 19118**

JPMorgan Chase Bank, National Association ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay on the real property located at 7601 Crittenden St H-2, Philadelphia, Pennsylvania 19118 ("Property"). In support of its motion, Creditor states the following:

1. Roy Turner ("Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on May 2, 2022 (the "Petition Date").
2. On November 6, 1992, Debtor executed a Promissory Note Adjustable Rate Mortgage Loan Limited Rate in the original amount of \$83,600.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.
3. To secure the Note, a Mortgage was given November 6, 1992 and recorded November 19, 1992. A copy of the Mortgage is attached as Exhibit B, evidencing perfection of

Creditor's security interest in the Property, which is more particularly described in the Mortgage.

4. The terms of the Note were subsequently modified as set forth in the Home Affordable Modification Agreement, attached as Exhibit C.
5. There are other liens against the property as listed in Debtor's Schedule D.
6. As of September 6, 2022 the total outstanding amount due on the Note is \$40,436.08 which consists of:

Principal	\$40,047.02
Interest	\$389.06
Escrow advance	\$0.00
Late charges	\$0.00
Other Fees	\$0.00
Suspense funds	\$(0.00)

7. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) to proceed under applicable non-bankruptcy law to enforce its remedies to repossess and sell the Property.
8. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
 - b. Debtor is in default post-petition. Debtor has failed to make full post-petition payments for the past 3 months as of September 6, 2022 and is in default in the amount of \$1,030.83. This amount is broken down as follows:

<u>Post Petition Payments Delinquent to Creditor</u>		
Date Range	Amount	Total
July 2022 to September 2022	\$343.61	\$1,030.83
Total: \$1,030.83		

9. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
10. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of an Order Granting Relief from the Automatic Stay.

Respectfully submitted,

/s/ Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)
Adam B. Hall (323867)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Alyk L. Oflazian.
Contact email is
ALOflazian@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 22-11127**
Roy Turner : **Chapter 13**
: **Judge Magdeline D. Coleman**
Debtor(s) : * * * * *

JPMorgan Chase Bank, National : **Date and Time of Hearing :**
Association : **October 11, 2022 at 10:30 a.m.**
Movant, :
vs :
: **Roy Turner** :
: **Kenneth E. West** :
Respondents.

CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Motion of JPMorgan Chase Bank, National Association for Relief from the Automatic Stay on First Mortgage for Real Property located at 7601 Crittenden St H-2, Philadelphia, Pennsylvania 19118 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Kenneth E. West, Chapter 13 Trustee, ecfemails@ph13trustee.com

Brad J. Sadek, Attorney for Roy Turner, Jr, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Roy Turner, 185 Nix Court, Fayetteville, GA 30214

Cobblestone at Chestnut Hill Condo Assoc, c/o Glenn Ross, Esq., 630A Germantown Pike,
Lafayette Hill, PA 19444

/s/ Alyk L. Oflazian